

Department of Energy

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SEP 18 1991

91-DOE-7686

Mr. Gary W. Baughman, Unit Leader
Hazardous Waste Facilities
Hazardous Materials and Waste Management Division
Colorado Department of Health
4210 East 11th Avenue
Denver, CO 80220-3716

Dear Mr. Baughman:

On September 12, 1991 Mr. J. Wienand of my staff met with Ms. N. Matsuura from your office to discuss schedule requirements for installing temporary modular tanks on the solar pond cleanout program (Operable Unit 4). This letter is a follow-up to that meeting.

The U.S. Department of Energy (DOE) must begin work to install the temporary modular tanks for the solar pond cleanout effort before the public comment period is completed on the Proposed Interim Measure/ Interim Remedial Action Decision Document (IM/IRA). The proposed IM/IRA document went to public comment on September 9, 1991. It included changes to address comments from your letters of August 23, 1991 and September 3, 1991. The tank design will include added structural support and high-level alarms connected to automatic feed-cutoff valves.

We need to install the tanks discussed in the IM/IRA document but will not operate them until after the public comment period in order to meet overall schedule requirements for the project. If this action is not taken, winter weather will prevent construction of the tanks until March or April of 1992. This is due to the need for ambient temperatures above 50° F to perform the sealing process for the tank material.

Delays of this magnitude will cause DOE to miss the OU4 Interagency Agreement (IAG) milestone for Phase I Remedial Field Investigation (RFI) field work and could result in stipulated penalties. If we cannot proceed with tank installation prior to the completion of the IM/IRA public comment period and the RFI field work milestones cannot be rescheduled, then abrogation and/or nullification of stipulated penalties is requested.

In addition, this will further delay the overall project which Secretary Watkins and Governor Romer agreed to accelerate in the Agreement in Principle (AIP). Even though we have informed Governor Romer that we cannot meet the original AIP milestone date for pond cleanout, DOE has maintained an aggressive schedule for this program to complete pond cleanout as soon as possible and meet the intent of the AIP. Failure to commence construction activities for these tanks will seriously delay our program.

We also believe that compliance with the requirement to refrain from construction activities until after the public comment period will result in a greater risk to public health and the

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environment than initiation of this action prior to completion of the comment period (40 CFR 300.430 (f). (1). ii). (C). (2).). This is based on the fact that subsequent pond cleanout actions would be further delayed and contaminants would continue to enter the environment for a substantially longer period of time. It should be noted that contaminants have been observed in monitoring wells down gradient of the interceptor trench system, indicating a migration towards North Walnut Creek. Removal of the contaminant source (pond water and sludge) is expected to reduce the migration of contaminants and thereby reduce the risk to public health and the environment.

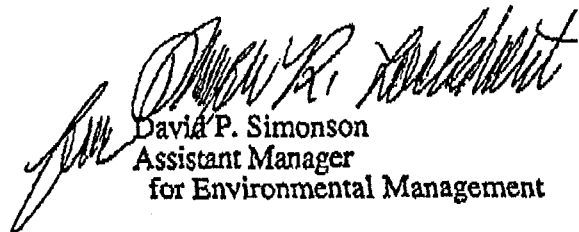
By delaying initiation of this action until after the public comment period for the proposed IM/IRA, we will delay the overall solar pond project by up to 6 months. This extensive delay results from losing the winter months for effective dewatering of the solar ponds because water collected by the interceptor trench/trench drain system can not be placed in the temporary surge tanks until they are sealed and approved for use. A delay of this magnitude will also impact our ability to complete sludge processing prior to November 1992, at which time these units lose interim status.

Our options to alleviate this schedule delay are minimal. We can continue to send water to the 207B North pond while other pond water is treated, but if heavy groundwater flow results from snow melt or other precipitation events during the winter months, water may have to be transferred to other 207B series ponds which would shutdown other on-going removal actions.

Another option would be to permit these units so operation can continue beyond November 1992. Of course, this type of action would require your approval. We believe our selected option to construct temporary tanks prior to completion of the public comment period is the best option and is critical to our success on this program.

We request your response to this action as soon as practical, since initial site preparation for the temporary tanks is scheduled to begin within a week. If you have any questions regarding this report, please feel free to contact me or Tom Lukow of my staff at 966-4561.

Sincerely,



David P. Simonson
Assistant Manager
for Environmental Management

cc:

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